

**MINUTES OF THE AUGUST 17, 2006
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of Minutes of the August 7, 2006 Regular Council Meeting.

Councilman Howard motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

2. Safety and Transportation Committee Meeting Report of August 3, 2006.

Mayor Tarr gave a brief report on the Committee meeting. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

3. Public Works Committee Report of August 8, 2006.

Councilman Wolffe made a correction to the minutes; he stated that under item number one, *Mr. Wolffe* seconded the motion to approve the minutes of the previous Committee meeting. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to approve the minutes as corrected. The motion was unanimously approved.

4. Accomack-Northampton Planning District Commission (A-NPDC) Presentation (Broadband Communications).

Mrs. Barbara Schwenk of the A-NPDC presented Council with information from the Broadband Communications project on the Shore. She gave the definition of Broadband internet and explained the need for this type of communication on the Eastern Shore.

5. Public Participation.

- Mr. Fred Mueller asked Council to consider waiving the \$3,600 availability fee for his property on Pine Drive. He advised Council that a local contractor obtained a building permit for the new residence on Pine Drive in March 2006 and that neither he nor the contractor was informed that there were new fees in effect starting April 20, 2006. Mr. Mueller felt his situation was unique since he had obtained a building permit and met all of the requirements prior to April 20th, but did not apply for water service before the increase.
- Mr. Jim Frese commented that he was aware that the water rates were increasing, but did not understand until the meeting in which the new rates were adopted that the availability fees were being initiated as well. Mr. Frese also requested that Council fully support the Broadband project. Mr. Frese commented on the proposed zoning changes regarding pier structures, and he requested that Council not be as restrictive as the State regarding the regulations.
- Mr. Philip Martin commended Council on their response to Mr. Mueller's situation with the water service fees. He also commented on the Broadband presentation and the importance of the communication program to the community.

6. Proposed Zoning Change, Pier Structures.

Town Attorney Poulson advised that the Virginia Marine Resources Commission (VMRC) currently allows boat houses to cover a boat slip or boat lift (up to 700 square feet), and open-sided shelter roof structures and gazebos (up to 400 square feet) as a matter of right, unless otherwise prohibited by local ordinance.

Councilman Ross motioned, seconded by Councilwoman Conklin, to refer to the Planning Commission for their review and recommendations to Council, such recommendations only to be made after Notice and Public Hearing, a proposed zoning amendment that prohibits open-sided shelter roof structures, open-sided roof structure designed to shelter single boat slips and boat lifts, and that allows gazebo-type structures up to 400 square feet to be constructed and/or maintained on any dock, pier, or dock or pier platform in all districts.

Ayes – Ross

Nays – Conklin, Howard, Richardson, Speidel, Wolffe

Absent – None

The motion was defeated.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, that, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, that the following proposed amendments to the Town of Chincoteague Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285 for their recommendations, such recommendations to be made only after Notice and Public Hearing

in accordance with Section 15.2-2204 and that Section 2.96 be amended by adding the following paragraphs to the definition of **Main Use**:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Further, the Planning Commission shall report its recommendations, with any explanatory materials, within ninety (90) days of its first meeting to consider the proposed amendments. The motion was unanimously approved.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, that, giving consideration to the public necessity, convenience, general welfare, and good zoning practices, that the following proposed amendments to the Town of Chincoteague Zoning Ordinance be referred to the Town Planning Commission pursuant to Section 15.2-2285 for their recommendations, such recommendations to be made only after Notice and Public Hearing in accordance with Section 15.2-2204 and that the following sections of the zoning ordinance be amended as shown by the italicized language:

Section 3.2

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 3.5.2

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 3.8.10

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 3.11.5

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 4.2.3

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Section 4.5.3

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.

Further, the Planning Commission shall report its recommendations, with any explanatory materials, within ninety (90) days of its first meeting to consider the proposed amendments,

and as necessary, will also submit a definition of *conditional use permit*. The motion was unanimously approved.

7. Donation Request from North Accomack Soccer League.

Councilwoman Conklin motioned, seconded by Councilman Howard, to donate \$250 to the North Accomack Soccer League. The motion was unanimously approved.

8. Board of Zoning Appeals (BZA) Request.

Current zoning regulations require that a structure must be located a minimum of twenty-five feet from either street and/or right-of-way when the structure is located on a corner lot [where the property fronts two streets or right-of-ways]. The BZA agrees with the regulations in areas where the property is located adjoining two state roads; however, the Board has concerns when the structure is located along a state road and a private street or right-of-way. Therefore, the BZA has requested that Council send a letter to the Planning Commission requesting that the Commission review the matter at their September meeting.

Councilman Howard motioned, seconded by Councilman Wolffe, to postpone the BZA's request to send a letter to the Planning Commission and to have Staff research and review the matter and return to Council with a recommendation. The motion was unanimously approved.

9. Mayor & Council Announcements or Concerns.

- Police Chief Lewis announced that the 2nd Annual Ride-4-Kids will be on September 9th. He also requested that the Island Nature Trail be closed to the public from September 15 through October 22 for the annual Haunted Forest.
- Councilwoman Richardson announced that the Planning Commission will meet on August 22nd at 7:00 pm.
- Councilman Ross stated that he will be out of town next week, but may be reached by cell phone.
- Councilman Wolffe mentioned that he will not be able to attend the September 5th Council meeting.
- Councilman Howard announced that the Harbor Committee will meet on September 13th at 5:30 pm and that the Cemetery Committee will meet on September 26th at 5:30 pm.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on September 5, 2006 at 7:30 pm. Councilwoman Richardson motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager